

Amendment No. 1 to HB2237

Montgomery
Signature of Sponsor

AMEND Senate Bill No. 2635

House Bill No. 2237*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-511(a)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) The causes for which a teacher may be dismissed or suspended are as follows: incompetence, inefficiency, neglect of duty, unprofessional conduct and insubordination, as defined in § 49-5-501.

SECTION 2. Tennessee Code Annotated, Section 49-5-512, is amended by adding the following language as new subsection (d):

(d) Subsections (a), (b) and (c) of this section shall not apply to a disciplinary suspension by the director of schools that is for a period of three (3) days or less and that is not made in anticipation of dismissal. For such suspensions of three (3) days or less, the following shall apply:

(1) The director of schools shall provide written notice of suspension and the reasons for the suspension to the tenured teacher, along with an explanation of the evidence supporting the decision to suspend and copies of any documents relied upon by the director in reaching that decision;

(2) Upon request made in writing within five (5) days from the date of the suspension letter or the date it was received, whichever is later, the director shall provide a conference with the director at which the teacher may offer rebuttal to the charges or any information the teacher wishes the director to consider. Both the LEA and the teacher may be represented by an attorney or other representative;

(3) The meeting shall be recorded by the director of schools, and a copy shall be provided to the teacher upon request;

(4) The director shall issue a written decision within ten (10) days from the date of the conference. The director may not impose any additional punishment beyond that described in the notice of suspension; and

(5) The teacher, if dissatisfied with the decision of the director, may pursue appeal of the director's decision pursuant to § 49-5-513.

SECTION 3. Tennessee Code Annotated, Section 49-5-513(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) A tenured teacher who is dismissed by action of the board pursuant to § 49-5-512(c)(3), or suspended by action of the director pursuant to § 49-5-512(d)(4), may petition for a writ of certiorari from the chancery court of the county where the teacher is employed.

SECTION 4. This act shall not operate so as to annul or modify any recognition entered into before the effective date of this act between a board of education and a professional employees' organization until the termination of such agreement. To the extent that this act is in conflict with an agreement entered into before the effective date of this act between a board of education and a professional employees' organization, the agreement shall control suspensions for three (3) days or less of tenured teachers in the LEA. Upon the termination of such existing agreement or if no conflict exists between this act and such existing agreement, this act shall control suspensions for three (3) days or less of tenured teachers in the LEA.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.